

Secs. 24-21—24-31. Reserved.

ARTICLE III. CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 24-32. Required.

It shall be unlawful for any person to engage in the business of operating any taxicab in the city without first having obtained from the city council a certificate of public convenience and necessity. (Code 1961, § 26.10)

Sec. 24-33. Application required; contents.

All persons applying for such certificate shall file with the council a verified application which shall set forth:

- (a) Name and address of person making application, established place of business in the business district, and included therein curb space suggested for cab stand.
- (b) If, at the time of making application, such person is actually operating a taxi service in the city the number of taxicabs owned and operated therein by applicant.
- (c) The number of vehicles for which a certificate of public convenience and necessity is desired.
- (d) The make, type, year of manufacture and passenger seating capacity of each taxicab for which application for a certificate is made.
- (e) A description of the proposed color scheme, insignia, or any other distinguishing characteristics of the taxicab.
- (f) Such other information as the city council may require. (Code 1961, § 26.11)

Sec. 24-34. Action on application.

Upon filing of the fully completed application for the certificate of public convenience and necessity, the city clerk shall fix the time for a public hearing thereon before the city council for the purpose of determining wheth-

er the public convenience and necessity require the proposed taxicab service. No certificate shall be granted until the council shall, after the hearing, declare by resolution that the public convenience and necessity require the proposed taxicab service. (Code 1961, § 26.12)

Sec. 24-35. Publication of notice of hearing.

Notice of the time and place of the public hearing before the city council shall be published twice in a newspaper of general circulation in the city; the second publication to be not less than five (5) days before the hearing; and the cost of the publication to be at the expense of the applicant. (Code 1961, § 26.13)

Sec. 24-36. Investigation by council; factors to be considered.

In determining whether public convenience and necessity require the taxicab service for which the application is made, the city council shall investigate and consider:

- (a) The demand of the public for additional taxicab service.
- (b) The adequacy of the existing taxicab service.
- (c) The financial responsibility and experience of the applicant.
- (d) The number, make and type of the equipment and the color scheme to be used.
- (e) The effect which additional taxicab service may have on traffic congestion and parking and whether it will result in a greater hazard to the public. (Code 1961, § 26.14)

Sec. 24-37. Issuance of certificates; limitations thereon.

If the city council shall, by resolution, declare that public convenience and necessity require any additional taxicab service, a certificate to that effect shall be issued to the persons entitled thereto; provided, that the city council may in its discretion determine the total number of permits to be granted in this city; and provided further, that no

certificate authorized hereunder shall be issued to any person who shall not have fully complied with all the necessary requirements of this chapter. (Code 1961, § 26.15)

Sec. 24-38. Cancellation of certificate upon discontinuance of service.

If the service permitted hereunder is for any reason discontinued for a period of forty-five (45) days, the certificate granted shall be automatically cancelled and shall be restored only in accordance with the provisions of this chapter. (Code 1961, § 26.16)

Sec. 24-39. Transfer of title to cab or destruction thereof.

If an owner sells or transfers title to a taxicab for which a certificate has been issued, or in the event a taxicab for which a certificate has been issued has been destroyed, he is entitled as a matter of right; upon written application to the council made within fifteen (15) days after such sale, transfer or destruction, to have a new certificate issued, but for no greater number than sold, transferred or destroyed and provided such owner has complied with all the provisions of this chapter. (Code 1961, § 26.17)

Sec. 24-40. Suspension, revocation, change of certificates.

The city council may at any time revoke, suspend or change the certificate granted:

- (a) If the owner's record is unsatisfactory.
- (b) If the owner fails to operate taxicabs in accordance with the provisions of this chapter.
- (c) If the owner discontinues or suspends operation of any taxicab for a period of forty-five (45) days without permission first had and obtained.
- (d) If taxicabs are operated at a rate of fare other than that approved by the city council. (Code 1961, § 26.18)

Sec. 24-41. Surrender of suspended, revoked, unused certificates.

All certificates which shall have been suspended or revoked by the city council

shall be surrendered to the police chief and the operation of all taxicabs covered by such certificates shall cease and be unlawful. Any owner who shall retire and not replace any taxicab for a period of forty-five (45) days shall immediately surrender to the police chief the certificate granted for such taxicab. (Code 1961, § 26.19)

Secs. 24-42—24-52. Reserved.

ARTICLE IV. DRIVERS' PERMITS*

Sec. 24-53. Required; application and deposit to cover cost of photograph and badge.

It shall be unlawful for any person to operate or drive a taxicab in the city without having first obtained written permission to do so from the chief of police. To secure such permission, a written application must be filed with the chief of police and accompanied by a deposit of five dollars (\$5.00) to cover the cost of a photograph, and a badge to be issued and conspicuously worn by the permittee during all working hours. Such badge shall not be transferable. (Code 1961, § 26.20)

Sec. 24-54. Prerequisites to issuance; grounds for revocation.

The chief of police shall not issue a permit and must revoke a permit theretofore granted:

- (a) If the applicant does not possess a valid license issued by the state authorizing said person to transport passengers for hire;
- (b) If the applicant is a reckless driver or has been convicted of reckless driving or driving while under the influence of intoxicating liquors or narcotics;
- (c) If the applicant is guilty or has been convicted of a felony or crime involving moral turpitude;
- (d) If the applicant is not a fit and proper person to drive a taxicab;
- (e) If the applicant violates any provisions of this chapter.

*State law reference—Authority to regulate drivers of vehicles for hire, Veh. Code, § 2100(b).